



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DENIED: April 27, 2021

CBCA 6174

ALPINE COMPANIES, INC.,

Appellant,

v.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT,

Respondent.

Doug P. Hibshman and Nicholas T. Solosky of Fox Rothschild LLP, Washington, DC, counsel for Appellant.

Jonathan English and Julie Cannatti, Office of General Counsel, Department of Housing and Urban Development, Washington, DC, counsel for Respondent.

Before Board Judges **SOMERS** (Chair), **SHERIDAN**, and **RUSSELL**.

RUSSELL, Board Judge.

In this appeal, Alpine Companies, Inc. (Alpine) seeks damages arising out of the Department of Housing and Urban Development's (HUD) decision denying Alpine's claim for payment for certain property inspections performed by Alpine under a HUD Field Services Management 3.10 contract. This appeal was stayed while similar cases were being resolved at this Board, and on appeal at the United States Court of Appeals for the Federal Circuit. In *P.K. Management Group, Inc. v. Secretary of Housing & Urban Development*, 987 F.3d 1030 (Fed. Cir. 2021), the Circuit affirmed "the Board's determination that the contract terms unambiguously cover routine inspections through a monthly fee rather than individual payments," which resulted in the denial of the appeal. *Id.* at 1031; *see also Purdy Enterprise, LLC v. Department of Housing & Urban Development*, CBCA 6128, et al. (Mar. 15, 2021). Appellant offered no basis to distinguish this case, in which it makes similar contract interpretation allegations regarding payments due. Appellant has declined

the opportunity to suggest a reason why this appeal should not be denied, given the similarity of issues and the staying of this case while the common issues were resolved.

Decision

We **DENY** the appeal.

Beverly M. Russell
BEVERLY M. RUSSELL
Board Judge

We concur:

Jeri Kaylene Somers
JERI KAYLENE SOMERS
Board Judge

Patricia J. Sheridan
PATRICIA J. SHERIDAN
Board Judge